

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARRY HOWARD,

Defendant.

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8:08CR387

ORDER

This matter is before the court on the motion to continue by defendant Harry Howard (Howard) (Filing No. 20). Howard seeks a continuance of the trial of this matter due to a conflict with a scheduled Court of Appeals argument. Howard's counsel represents Howard will submit an affidavit wherein Howard represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Howard's motion to continue trial (Filing No. 20) is granted.
2. Trial of this matter is re-scheduled for **April 27, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 13, 2009 and April 27, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge